IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

WRIT PETITION NO.7563 OF 2006

Jayram Shankar Patil. ...Petitioner.
Vs.
Maharashtra Industrial Development
Corporation & Ors. ...Respondents.

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Ms. P.P. Tendulkar for the Petitioner.
Ms. Deepa Chavan i/b. M/s. Little & Co. for the Respondents.

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CORAM :DR.D.Y.CHANDRACHUD, J.
July 4, 2007.

P.C.:

Rule. By consent made returnable forthwith. Counsel appearing on behalf of the Respondents waives service. By consent and at their request the matter is taken up for hearing and final disposal.

2. The Petitioner filed a revision application under the provisions of the Maharashtra Land Revenue Code, 1966 against an order dated 26th June 2003 of the Sub Divisional Officer. The memo

of the Revision Application at Exh.H to the petition, clearly demonstrates that the Petitioner invoked the revisional jurisdiction. The Deputy Collector (Appeals), Thane, passed an order on 3rd November 2006 treating the proceeding as an appeal and rejecting the same. The Deputy Collector (Appeals) states that in the Maharashtra Land Revenue Code, 1966, there is no such provision to file an appeal against an interim order passed in an R. T. S. Appeal or Revision Application. The order of the Deputy Collector (Appeals), Thane is clearly unsustainable. When the Petitioner had invoked revisional jurisdiction, the application would have to be disposed of on that basis. In the circumstances, the impugned order dated 3rd November 2006 is quashed and set aside. The proceedings are remanded back to the Revenue Authority for a decision afresh. The revisional authority shall endeavour to do so preferably within six months from today. Until the revisional authority disposes of the proceedings, the interim stay granted by this Court on 20th November 2006 staying further proceedings in RTS Appeal 49 of 2006 on the file of the Sub Divisional Officer, Ulhasnagar shall continue to remain in

operation for a period of six months from today.

3. Rule is accordingly made absolute. No order as to costs.

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